

Before the  
Federal Communications Commission  
Washington, D.C. 20554

JUN 13 2007

In the Matter of )  
 )  
Implementation of Pay Telephone )  
Reclassification and Compensation )  
Provisions of the Telecommunications )  
Act of 1996 ) CC Docket No. 96-128  
 )  
Petition for Rulemaking or, in the )  
Alternative, Petition to Address Referral )  
Issues in Pending Rulemaking )

## ORDER

Adopted: June 12, 2007

Released: June 12, 2007

Revised Filing Date for Reply Comments: June 20, 2007

By the Chief, Pricing Policy Division, Wireline Competition Bureau:

1. On March 1, 2007, Martha Wright, *et al.* (Petitioners) filed an alternative rulemaking proposal<sup>1</sup> in this proceeding, asking the Commission to establish benchmark rates for long distance prison inmate calling services as an alternative to the approach the Petitioners previously proposed in an earlier petition for rulemaking.<sup>2</sup> On March 2, 2007, the Commission established a pleading cycle for comments on the Alternative Proposal.<sup>3</sup> Comments were filed in this proceeding on May 2, 2007 and reply comments are due June 13, 2007.<sup>4</sup>

2. On June 11, 2007, Petitioners filed a Petition for Waiver of section 1.46(b) to waive the requirement that extensions of time be filed at least seven days before the filing date and an additional

<sup>1</sup> Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Petitioners' Alternative Rulemaking Proposal, CC Docket No. 96-128 (filed Mar. 1, 2007) (Alternative Proposal).

<sup>2</sup> Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Petition for Rulemaking or, in the Alternative, Petition to Address Referral Issues in Pending Rulemaking, CC Docket No. 96-128 (filed Nov. 3, 2003).

<sup>3</sup> Comment Sought on Alternative Rulemaking Proposal Regarding Issues Related to Inmate Calling Services, Public Notice, CC Docket No. 96-128, DA 07-961 (WCB rel. Mar. 2, 2007).

<sup>4</sup> See *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Petition for Rulemaking or, in the Alternative, Petition to Address Referral Issues in Pending Rulemaking*, CC Docket No. 96-128, Order, (WCB rel. Mar. 21, 2007); *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Petition for Rulemaking or, in the Alternative, Petition to Address Referral Issues in Pending Rulemaking*, CC Docket No. 96-128, Order, (WCB rel. May 17, 2007).

Motion for Extension of Time to file reply comments until June 20, 2007.<sup>5</sup> In support of its filings, the Petitioners explain that the preparation of reply comments and supporting materials is taking longer than anticipated, partly due to the need to coordinate with public interest groups and consult with Petitioners' expert witness.<sup>6</sup> Petitioners assert that the need for extra time was not apparent by June 6, 2007.<sup>7</sup> Moreover, Petitioners note that the proposal raises controversial substantive matters regarding inmate telephone services and long distance inmate service rates.<sup>8</sup> Some of the oppositions raise cost and other economic issues that have required time-consuming analysis and rebuttal by the Petitioners' expert witness.<sup>9</sup> In addition, the Petitioners argue that an extension of time will better serve the public interest by allowing the development of a more complete record in this proceeding.<sup>10</sup> Finally, the Petitioners contend that a short extension will not prejudice other parties, and that counsel is attempting to provide notification of the filing of this request by telephone or electronic mail to the parties filing oppositions as well as other parties filing initial comments.<sup>11</sup>

3. We agree that providing an additional short extension of time to file reply comments will facilitate the development of a more accurate and complete record in this proceeding. We note that it is the policy of the Commission that extensions of time shall not be routinely granted.<sup>12</sup> Given the number of comments filed in the proceeding and the complexity of the issues that are raised, however, we find that good cause exists to waive section 1.46(b) and provide all parties an extension of time from June 13, 2007 to June 20, 2007 for filing reply comments in this proceeding.

4. ACCORDINGLY, IT IS ORDERED that, pursuant to section 4(i), 4(j), and 5(c) of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), 155(c), and section 0.91, 0.291, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.46, the pleading cycle established in this matter shall be modified as follows:

**Reply Comments Due: June 20, 2007**

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<sup>5</sup> Implementation of Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Petition for Rulemaking or, in the Alternative, Petition to Address Referral Issues in Pending Rulemaking, Petition for Waiver, CC Docket No. 96-128 (filed June 11, 2007) (Petition for Waiver); Implementation of Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Petition for Rulemaking or, in the Alternative, Petition to Address Referral Issues in Pending Rulemaking, Motion for Extension of Time, CC Docket No. 96-128 (filed June 11, 2007) (Motion for Extension of Time).

<sup>6</sup> Petition for Waiver at 2.

<sup>7</sup> *Id.*

<sup>8</sup> Motion for Extension at 2.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 3.

<sup>12</sup> 47 C.F.R. § 1.46(a).

5. IT IS FURTHER ORDERED that the Petition for Waiver and the Motion for Extension of Time are GRANTED as set forth herein.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in cursive script, reading "Albert M. Lewis".

Albert M. Lewis  
Chief, Pricing Policy Division  
Wireline Competition Bureau